

Accordingly, IT IS HEREBY ORDERED:

- 1. The Amended Report and Recommendation of United States Magistrate Judge is accepted, (Dkt. No. 40);
- 2. Defendants' Motion to Dismiss (Dkt. No. 30) is granted;
- 3. The case is dismissed without prejudice; and
- 4. Judgment is to be entered accordingly.

DATED: January 7, 2025

THE ADNORABLE JESUS G. BERNAL

United States District Judge